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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,309	06/25/2003	Jorg Willershausen	0275M-000746	3169
27572	7590	02/15/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			TRAN, LEN	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

1725

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,309

Applicant(s)

WILLERSHAUSEN, JORG

Examiner

Len Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 20-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 27-33 is/are rejected.
- 7) ☒ Claim(s) 14-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-19 and 27-33, drawn to an apparatus, classified in class 373, subclass 94+.
 - II. Claims 20-26, drawn to a method, classified in class 219, subclass 99.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used to position a nut.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Monte Falcoff on February 7, 2005 a provisional election was made with traverse to prosecute the invention of group I, claims 1-19 and 27-33. Affirmation of this election must be made by applicant in replying to this Office action. Claims 20-26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8, 13, 27, 28, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by McCardle et al (US 6,239,401).

As to claims 1, 27, and 32, McCardle et al disclose the device for short-cycle arc welding comprising a positioning mechanism that hold the head (7), wherein the head comprising a chucking mechanism, having a linear motion mechanism (16) for advancing and retracting the chucking mechanism relative to the head (col. 3, lines 61-63). The chucking mechanism further comprising a radially movable chucking element (14) (col. 3, lines 57-59).

As to claims 2, 4, and 28, the chucking mechanism comprise an axially movable clamping nosepiece (28).

As to claims 3 and 5, further comprising plurality of angled surfaces (24a and b).

As to claim 6, the chucking element further comprise self-centering chucking element (34).

As to claim 7, the chucking element having wedge shape and a clamping nut (32) located on a chucking element side (figure 6).

As to claim 8, further comprising a drive (13) for bracing the clamping nosepiece.

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As to claim 13, comprising measurement voltage between the chucking mechanism and the component (col. 5, lines 29-67).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCardle et al (US '401).

McCardle et al disclose the drive, but lacks the mentioning of a linear motor, a fluid cylinder, or a pressure sensor inside the clamping mechanism.

However, McCardle et al disclose a electric motor (13) for the purpose of raising and lowering as well as radially open and close the chuck. In addition, McCardle et al discloses measuring voltage drop to provide electrical signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to modify with any of the above equipment, since it is functionally equivalent with McCardle et al's equipment.

9. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCardle et al (US '401), in view of Torvinen (US 6,388,224).

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McCardle et al disclose the claimed above, but lacks the mentioning of a storage chamber.

However, Torvinen discloses a storage chamber (80) for the purpose of storing elements to be welded.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide a storage chamber as taught by Torvinen, in McCardle et al in order to hold elements to be welded.

Allowable Subject Matter

10. Claims 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior arts of record fail to teach or suggest an intermediate storage, a storage device, wherein the feed channel is coupled through the intermediate storage to the storage device, the storage device feeding the elements to be welded.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (571) 272-1184. The examiner can normally be reached on M-F, 8:30 - 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Len Tran
Examiner
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February 14, 2005